

REMARKS/ARGUMENTS

Claims 1-41 have been cancelled. New claims 42-61 have been added and are now pending.

In the Office Action mailed October 4, 2005, claims 1-41 were rejected under 35 U.S.C. § 112, first paragraph because, according to the Office Action, the specification does not provide enablement for pharmacological compositions and kits useful for the treatment or prophylaxis of viral infections broadly or methods for the treatment of prophylaxis of viral infections broadly. While applicants respectfully disagree, in view of the new claims, the rejection is moot. New claims 42-61 are directed to pharmaceutical compositions, kits and methods for the treatment of an HIV or hepatitis B viral infection. In addition, new claims 42-61 are directed to pharmaceutical compositions, kits and methods using at least one antiviral active compound selected from the group consisting of 3'-deoxy-3'-fluorothymidine, 2',3'-dideoxy-3'-fluoroguanosine or 3'-deoxy-3'-fluoro-5-O-[2-(L-valyloxy)-propionyl]guanosine, or a pharmaceutically acceptable salt or prodrug thereof.

The Office Action has already indicated the specification is "enabling for pharmaceutical composition and kits useful for treating HIV or hepatitis B virus wherein the pharmaceutical composition comprises tipranavir and at least one antiviral active compound of formula (I) wherein said compound is selected from the group consisting of 3'-deoxy-3'-fluorothymidine, 2',3'-dideoxy-3'-fluoroguanosine or 3'-deoxy-3'-fluoro-5-O-[2-(L-valyloxy)-propionyl]guanosine, or a pharmaceutically acceptable salt or prodrug thereof and for methods for the treatment of HIV or hepatitis B virus in a patient comprising administering tipranavir and at least one antiviral active compound of formula (I) wherein said compound is selected from the group consisting of 3'-deoxy-3'-fluorothymidine, 2',3'-dideoxy-3'-fluoroguanosine or 3'-deoxy-3'-fluoro-5-O-[2-(L-valyloxy)-propionyl]guanosine, or a pharmaceutically acceptable salt or prodrug thereof." Hence, applicants respectfully request withdrawal of the rejection.

Claims 1, 5-21, 25-34 and 38-41 were rejected under 35 U.S.C. § 112, second paragraph because, according to the Office Action, the chemical structure representing compounds of formula (I) is indefinite. In view of the new claims, the rejection is moot.

Application No. 10/809,060
Amdt dated February 28, 2006
Reply to Office action of October 4, 2005

New claims 42-61 no longer recite formula (I). Hence, applicants respectfully request withdrawal of the rejection.

Claims 4, 24 and 37 were rejected under 35 U.S.C. § 112, second paragraph because, according to the Office Action, there is insufficient antecedent basis for the limitation "wherein the compound of formula (I) is 3'-deoxy-3'-fluoro-5-O-[2-(L-valyloxy)-propionyl]guanosine." While applicants respectfully disagree, in view of the new claims, the rejection is moot. New claims 42-61 no longer recite formula (I). Hence, applicants respectfully request withdrawal of the rejection.

Claim 5, 8, 10-20, 25-28, 32 and 39-41 were rejected under 35 U.S.C. § 112, second paragraph because, according to the Office Action, the terms "synergistic ratio", "a further NRTI," "non-nucleoside reverse transcriptase inhibitor," "entry inhibitor," "integrase inhibitor," "a further nucleoside reverse transcriptase," "PA-457," "KPC-2," "HGTV-43," "AG-1776," "AG-1859," "DPC-681/684," "GS224338," "KNI-272," "Nar-DG-35," "P(PL)-100," "P-1946," "R-944," "RO-033649," "TMC-114," "VX-385," and "VX-478" have not been defined. While applicants respectfully disagree, in view of the new claims, the rejection is moot. New claims 42-61 no longer recite these terms.

In view of the foregoing, it is respectfully submitted that the subject application is in condition for allowance and such favorable action is respectfully requested.

Respectfully submitted,



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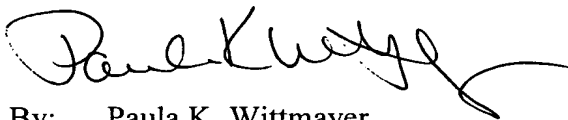
Application No. 10/809,060
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A handwritten signature in black ink, appearing to read "Paula K. Wittmayer", with a long horizontal flourish extending to the right.

By: Paula K. Wittmayer
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